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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,706	02/05/2002	Michael John Curry	1049.001US1	6456

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EXAMINER	
NGUYEN, VAN H	

ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/683,706	CURRY ET AL.	
	Examiner	Art Unit	
	VAN H NGUYEN	2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *8/5/04*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in sec. 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-2, 8-14, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Budge et al.** (U.S.6,564,248) in view of **Shaffer et al.** (U.S.6,145,083).

4. **As to claim 12:**

   a. Budge teaches the invention substantially as claimed including a method comprising:

(i) detecting when an event *(e.g., the RECORD button 610 is "pressed," that is, activated with a point and click operation of a mouse device; col.6, lines 1-25)* related to a predetermined application program (*e.g., video e-mail software 50 which provides for the creation of video e-mail messages and the transfer of those messages; col.3, lines 16-42 and fig. 6)* occurs;

(ii) in response to detecting when the event has occurred, presenting one or more audio or video controls for use in conjunction with the predetermined application program, such that an audio or video program encompassing the one or more audio or video controls (*e.g., To begin recording a video e-mail message, the RECORD button 610... the STOP button 620... the SAVE VMail button 630... the SAVE file button 640...the PLAY button 650... the LOAD button 660 allows a user to select which stored message to watch, and the MAIL button 670 is pressed to immediately send a recorded message; col.6, lines 1-25 and fig.6).*

b. Budge does teach the predetermined application program and the audio or video program. Budge, however, does not explicitly teach the programs separate but integrate.

c. Shaffer teaches the programs separate but integrate *(e.g., separate application ...are integrated into a single application; col.4, line 62-col.5, line 12).*

d. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Shaffer and Budge because Shaffer's teaching would have provided the capability for accommodating the

combination of the two programs within a single computing device, and therefore, proving compatibility for Budge's system.

5. **As to claim 13:**

Budge teaches integrating the one or more audio or video controls within a window of the predetermined application program *(fig.6 and associated text).*

6. **As to claim 14:**

Budge teaches creating an audio or video program window through the operating system in which the one or more audio or video controls are located *(e.g., In addition to operating system software, the sending system PC 10 executes video e-mail software 50 which provides for the creation of video e-mail messages and the transfer of those messages; col.3, lines 37-42 and col.6, lines 1-25).*

7. **As to claim 19:**

Note the rejection of claim 12 above. Claim 19 is the same as claim 12, except claim 19 is a computer-readable medium claim and claim 12 is a method claim.

8. **As to claim 20:**

Budge teaches the predetermined application program comprises, among other things, an email program *(e.g., video e-mail software; col.3, lines 37-40).*

9. **As to claim 1:**

The rejection of claim 12 above is incorporated herein in full. Additionally, Budge further teaches: an operating system *col.3, lines 20-22)* and a user of the application program interacts with the video program as though the video program were part of the application program *(col.5, line 59-col.6, lines 25).*

10. **As to claim 2:**

Budge teaches the video program is integrated with the application program by detecting when an event related to the application program occurs *(col.6, lines 1-25 and fig.6).*

11. **As to claim 8;**

Budge teaches the video program runs in a window created through the operating system and related to a window of the application program created through the operating system *(fig.6 and associated text).*

12. **As to claim 9:**

Refer to claim 20 above for rejection.

13. **As to claim 10:**

Budge teaches the video program comprises, among other things, a video player program *(e.g., the video e-mail player software; col.6, lines 1-19).*

14. **As to claim 11:**

Budge teaches the video program comprises, among other things, an audio-and-video program *(e.g., "video e-mail" contains audio and video; col.1, lines 38-55 and fig.6).*

15. Claims 3-7 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Budge** in view of **Shaffer** as applied to claims 12 above and further in view of **Poreh et al.** (U.S. 5,889,518)

16. **As to claim 15:**

a. The combination of Budge and Shaffer does not explicitly teach subclassing into a window.

b. Poreh teaches subclassing into a window *(e.g., subclassing the selected window; col.9, lines 33-44 and fig.6).*

c. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Poreh and Budge as modified by Shaffer because Poreh's teaching would have provided the capability for gaining control over the application's window object.

17. **As to claim 16:**

a. The combination of Budge and Shaffer does not explicitly teach hooking into a window.

b. Poreh teaches hooking into a window *(e.g., GUI API function hooking; col.9, lines 1-32 and fig.6).*

c. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Poreh and Budge as modified by Shaffer because Poreh's teaching would have provided the capability for gaining control over the application's window object.

18. **As to claim 17:**

a. The combination of Budge and Shaffer does not explicitly teach employing a customization mechanism.

b. Poreh teaches employing a customization mechanism*(e.g., windows customization; col.7, lines 6-30 and fig.4).*

c. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Poreh and Budge as modified by Shaffer because Poreh's teaching would have provided the capability for allowing the user to modify any window attributes of the selected window.

19. **As to claim 18:**

a. The combination of Budge and Shaffer does not explicitly teach employing application programming interfaces.

B. Poreh teaches employing application programming interfaces *(e.g., API functions; col.9, lines 1-32).*

C. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Poreh and Budge as modified by Shaffer because Poreh's teaching would have provided the capability for controlling the processes of the graphical user interface.

20. **As to claims 3-6:**

Note the rejection of claims 15-18 above. Claims 3-6 are the same as claims 15-18, except claims 3-6 are systems claims and claims 15-18 are method claims.

21. **As to claim 7:**

a. The combination of Budge and Shaffer does not explicitly teach modifying contents of a window.

b. Poreh teaches the video program modifies contents of a window of the application program created through the operating system *(col.7, lines 6-30 and fig.4)*.

c. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Poreh and Budge as modified by Shaffer because Poreh's teaching would have provided the capability for allowing the user to modify any window attributes of the selected window.

Response to Arguments

22. Applicant's remarks have been considered, but are deemed to be moot in view of the new grounds of rejection necessitated by Applicant's amendments to claims 1, 12, and 19.

Conclusion

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272-3765. The examiner can normally be reached on Monday-Thursday from 8:30AM - 6:00PM. The examiner can also be reached on alternative Friday.

25. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756.

26. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:
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11/24/04
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